

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

BRENDON A. LEON,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:22-CV-24
(GROH)**

**FEDERAL BUREAU OF INVESTIGATIONS,
DIRECTOR CHRISTOPHER WRAY,
US DEPARTMENT OF DEFENSE, and
SECRETARY LLOYD AUSTIN,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 11. Pursuant to the Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. Judge Trumble issued an R&R on April 26, 2022, recommending that the Plaintiff’s Complaint [ECF No. 1] be dismissed without prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of the Petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91,

94 (4th Cir. 1984).


Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Service was accepted by the *pro se* Plaintiff on May 2, 2022. ECF No. 12. As of the date of this Order, no objections have been filed. Therefore, after allowing additional time for transit in the mail, the Court finds that the deadline for the Plaintiff to submit objections to the R&R has passed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 11] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. The Plaintiff's Complaint [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.

In accordance with the dismissal of the Plaintiff's Complaint, it is further **ORDERED** that the Plaintiff's Motion [ECF No. 4] for Leave to Proceed In Forma Pauperis be **DENIED AS MOOT**, the Plaintiff's Motion [ECF No. 5] for Service be **DENIED AS MOOT**, and the Plaintiff's Motion [ECF No. 10] for USMS to Effectuate Service be **DENIED AS MOOT**.

The Clerk is **DIRECTED** to **STRIKE** this case from the Court's active docket. The Clerk of Court is **FURTHER DIRECTED** to mail a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: May 25, 2022


GINA M. GROH
UNITED STATES DISTRICT JUDGE